

LOUISIANA WILDLIFE AND FISHERIES COMMISSION

BOARD MEETING

Wednesday, October 12, 1983

Wayne Ducote
Vice-Chairman

400 Royal St.
New Orleans, Louisiana

LOUISIANA WILDLIFE & FISHERIES COMMISSION

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AGENDA

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| 1. Roll call. | 1 |
| 2. Reinstatement of Cancelled Oyster Lease Applications. | 1 |

MINUTES OF MEETING
LOUISIANA WILDLIFE AND FISHERIES COMMISSION
NEW ORLEANS, LOUISIANA
October 12, 1983

Vice-Chairman Wayne C. Ducote, presiding:

Members present:

Dr. Jack Cappel
Mr. Gary Chouest
Mr. Charles Riggs

Secretary Jesse J. Guidry was absent.

* * * *

This special meeting of the Louisiana Wildlife & Fisheries Commission was called to discuss the reinstatement of cancelled oyster lease applications.

The motion to reinstate the cancelled oyster lease applications was passed unanimously.

(The full text of the resolution
here is made part of the record)

WHEREAS, the Louisiana Wildlife and Fisheries Commission was requested to consider the issue of those lease applications which were cancelled for failure to comply with a commission rule requiring them to survey the application within the six month period after notification for which the applicant had executed a forfeiture agreement, and

WHEREAS, the following pertinent comments were pointed out at previous meetings of the Commission's Oyster and Shrimp Committee by memoranda and discussions and generally again today by Dr. Ford, Mr. Schafer, Mr. Ron Dugas, or Mr. James Anyon:

(1) that the original purpose of the "Moratorium on Applications" for Oyster Leases was to permit the Survey Section to become reasonably current with many outstanding applications that were a number of years old,

(2) that much progress has been made,

(3) that achievement of a "current" operating basis was projected to be reached in the next twelve to eighteen months provided field surveys continued to be completed at the current level or improved in quantity accomplished and could be executed.

(4) that the original and primary purpose of the "Partial lifting of the moratorium" on applications was to permit and encourage younger fishermen to get in the oyster business as oyster farmers by obtaining their own leases,

(5) that the original guidelines of six month's limitation was recommended and agreed upon by representatives of the oyster industry after much discussion,

(6) that we felt the opportunities extended by the Department were conducted fairly and reasonably in accordance with the provisions established by the Commission provided that there was no procrastination by the applicants,

(7) that every reasonable courtesy and consideration was extended by the staff,

(8) that any extension or reinstatement of this group of cancelled applications could have the very serious potential of setting the survey section back substantially in trying to achieve a current operating level since each private survey had to be examined and checked very carefully (some having been referred back to the private surveyors several times-up to six times in one case, at least, for making corrections, and, finally,

(9) that these eight points and others constitute good and valid grounds for the staff recommending no further consideration without any prejudice towards any oyster farmers.

WHEREAS, hearing a proposal submitted by the Louisiana Oyster Dealers and Growers Association, the Plaquemine Oyster Association, and the Terrebonne Parish Oyster Association,

NOW, THEREFORE BE IT RESOLVED, that those persons that had applications cancelled because of the failure to meet the six (6) month restriction would be allowed to reapply under the following rules:

- I. Only the applicants whose applications were cancelled for failure to comply with the six (6) month requirement could reapply.
 - A. The individual would have 15 days from receipt of a certified letter (return receipt) to re-apply. If no response, there shall be no further consideration for reinstatement of the application.
 - B. The reapplication would have to use the same description, in other words, the same area as the original application if still available and no more acreage but possibly encompassing less acreage; however, it would not supersede any existing applications or encompass leases which were surveyed after any prior cancellations.
 - C. The reapplication would have to be for no more than the acreage applied for in the cancelled application; however, it could be for less acreage.
 - D. The applicant would be required to pay an additional 20% of the basic application fee to cover the cost of administrative services, and this would be based on the acreage applied for.
 - E. The same applicant must apply; he or she can not change the name on the application, nor can the application be transferred to another person.
- II. The applicant would then have six (6) more months from the date of the application to complete this survey.
- III. The Department's survey section would use a different prefix to distinguish these applications from those cancelled.
- IV. If the applicant fails to comply with any of the above rules, and the Department's applicable rules and regulations for this program, the application will be cancelled and the application fee retained by the Department.

The meeting was adjourned on a motion by Mr. Wayne Ducote.

Minutes transcribed by
Linda Gregson